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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Establishment of Public Service	)	RM-9405
Radio Pool in the Private Mobile	)	
Frequencies Below 800 MHz	)	

**COMMENTS OF VIRGINIA ELECTRIC AND POWER COMPANY  
("Virginia Power")**

Pursuant to Section 1.405 of the FCC's Rules, Virginia Power hereby submits Comments in support of the above-referenced "Petition for Rulemaking" filed on August 14, 1998, by UTC, The Telecommunications Association (UTC), the American Petroleum Institute (API), and the Association of American Railroads (AAR).

Introduction

Virginia Power operates electric power generation, transmission, and distribution systems over an area of approximately 30,000 square miles in Virginia and North Carolina. The safe and efficient daily operation of these electric power systems is heavily dependent upon reliable and available two-way mobile radio communications (UHF and VHF-LB). In addition, during major outages such as may be caused by severe weather, the Company's two-way radio system becomes even more critical to safety of employees and the public, and in restoring electric services as rapidly as possible.

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## Comments

Virginia Power understands and acknowledges the needs of a broad range of business users and applications for land mobile communications. In addition, we agree that frequency spectrum is a scarce and valuable resource that must be utilized efficiently. However, we also believe that additional consideration is needed to balance these spectrum issues with increased interference protection for frequencies that are used to provide essential public infrastructure services and that routinely affect public and Company personnel safety.

Virginia Power does not claim that energy utilities, or other entities that might be classified as public service providers, are essential to the same degree as emergency-response public safety organizations such as police or fire departments. However, we do believe that the rationale for a "Public Service" frequency classification and frequency pool is essentially the same as that applied by the FCC in establishing the Public Safety Radio Service Pool.

Although the government versus commercial distinction is obvious, the impact on the public resulting from failure of critical infrastructure services such as electric power can be just as significant as failures of public safety. In fact, many public safety functions are dependent upon the availability of electric power. Virginia Power is concerned that continued competition for frequencies between critical infrastructure providers and other business entities will increase interference and seriously erode the reliability of land mobile communications, such that public service functions and related safety matters will be jeopardized.

Lastly, we believe that the evolving competitive nature of electric utilities needs to be addressed. It may appear that electric utilities want to participate in the competitive market, while at the same time, seeking special treatment and frequency protection from other business spectrum users. However, we believe that it is the character of the product rather than the character of the business that should distinguish electric utility users of spectrum from other private wireless users. Competition will not change the potentially hazardous character of electric power systems, or the criticality of electric services to the public.


We believe that the creation of an intermediate "Public Service" class of land mobile users is the best solution to assure that the public interests can continue to be served in the future with reliable electric services supported by dependable two-way radio communications.

Conclusion

In conclusion, Virginia Power supports the Petition for Rulemaking, and urges the FCC to issue a Notice of Proposed Rulemaking looking toward the creation of a Public Service Radio Service as described in the Petition.

Respectfully submitted,

**VIRGINIA ELECTRIC AND POWER COMPANY**

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Comments of Virginia Electric and Power Company" was sent by first-class mail, postage prepaid, to the following persons this 21<sup>st</sup> day of December, 1998.

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